

SN. 10/046,655

ATTORNEY DOCKET NO. MATS:035

REMARKS

Claims 1 and 2 remain pending in this application for which applicants seek reconsideration.

Amendment

The Abstract and claim 1 have been amended to remove minor informalities contained therein and to improve their form. In particular, the Abstract has been amended mainly to remove reference numbers. Claim 1 has been amended to remove the antecedent problem ("the notch") and to correct the informality identified by the examiner. These changes to claim 1 are exclusively made to improve its form, not to narrow its scope. No new matter has been introduced.

Art Rejection

Claims 1 was rejected under 35 U.S.C. § 103(a) as unpatentable over Esumi (USP 6,413,061) in view of admitted prior art (Figs. 4-5). Claim 2 was rejected under § 103(a) further in view of Peters (USP 5,173,629). Applicants traverse these rejections because these references would not have taught the claimed structure, namely the second gas passage configuration.

Claim 1 features a second gas passage comprising a through hole, e.g., 24, in the motor element. This through hole is disposed outside of the smallest circle that is inscribed along the linear section, e.g., 4, formed in the motor element. The examiner acknowledges that Esumi does not disclose or teach the claimed linear section and the through hole disposed in the vicinity of its outer circumference. The examiner relies on Figs. 4 and 5 for the proposition that it would have been obvious for Esumi to have included these missing features. The examiner further states that when Esumi is modified according to the teachings of Figs. 4 and 5, the resulting modified structure would form a through hole disposed outside of the smallest circle that is inscribed along the notch [linear section]. Applicants disagree.

Admitted prior art of Figs. 4 and 5 clearly teaches placing the through hole inside of the smallest circle that is inscribed along the linear section. That is, if a circle tangent to the linear sections (formed along the first gas passage 24a) is drawn in Fig. 4, that circle would clearly

SN. 10/046,655

ATTORNEY DOCKET NO. MATS:035

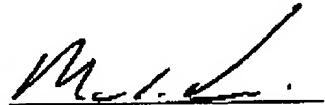
intersect across the through holes 24b. Esumi certainly would not have taught this aspect of the invention since it neither has a through hole for forming the second gas passage nor a linear section. The references simply would not have taught or suggested this feature. Peters, the other reference used for rejecting claim 2, also would not have alleviated the shortcomings of Esumi and admitted prior art.

Conclusion

Applicants submit that claims 1 and 2 patentably distinguish over the applied references and thus urge the examiner to issue an early Notice of Allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

Date: 09/30/02


Marc A. Rossi
Registration No. 31,923

ROSSI & ASSOCIATES
P.O. Box 826
Ashburn, VA 20146-0826
Phone: 703-726-6020

FAX COPY RECEIVED
SEP 30 2002

TECHNOLOGY CENTER 2800

SN. 10/046,655

ATTORNEY DOCKET NO. MATS:035

ATTACHMENT
MARKED UP VERSION

IN THE SPECIFICATION:

The Abstract has been amended as follows:

--In a hermetic motor-driven compressor, a first gas passage [24a] is formed [of] by a space between a linear section in a motor stator and a hermetic container, and a second gas passage [24c] in parallel with the first gas passage is formed [of] by through holes in the motor stator. The through holes constituting the second gas passage [24c] are disposed outside of a circle [25] inscribed in the linear section in the stator. The through hole is shaped like a bow, and an arch shape of the outer periphery thereof has a curvature larger than that of the outer circumference of the stator.--

IN THE CLAIMS:

Claim 1 has been amended as follows:

--1. (Amended) A hermetic motor-driven compressor comprising:
a compressing element;
a motor element for driving said compressing element, said motor element having at least one linear section formed along an outer circumferential surface thereof and at least one through hole disposed in the vicinity of the outer circumference;

a substantially cylindrical hermetic container in which said compressing element and said motor element are axially arranged and housed;

a first gas passage [that is] formed by a space between said linear section along the circumferential surface of said motor element and an inside wall surface of said hermetic container, and allows passage of compressed gas discharged from said compressing element within said hermetic container; and

a second gas passage formed [in] parallel with said first gas passage that allows passage of compressed gas, said second gas passage comprising the through hole in said motor element[;],

wherein the through hole in said motor element constituting said second gas passage is

SN. 10/046,655

ATTORNEY DOCKET NO. MATS:035

disposed outside of a smallest circle that is inscribed [in the notch] along the linear section
formed [along] in said motor element and is concentric with said motor element.--